

REMARKS

This filing is responsive to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated June 30, 2005. No listing of claims was provided in our Letter of June 13, 2005, responsive to the Office Action of April 14, 2005, because no changes to the claims were made by the June 13, 2005 Letter. Hence, we do not understand the Examiner's requirement. Nonetheless, reconsideration is requested since the requested claim listing appears hereinabove.

The claims are 7 to 9.

These claims are rigorously based on the drawings on file.

Prior claims 1 to 6 were rejected on Chang et al U.S. Patent No. 5,920,371 in view of Leonardi U.S. Patent No. 5,642,178.

Chang et al discloses an optical mounting assembly utilizing a headband mount having a forward portion and a vertical member having upper and lower ends. The forward portion of the headband mount includes a slide assembly which receives the upper end of the vertical member, allowing the vertical member to be vertically adjusted and locked into place once a desired position is achieved. A clamp assembly is provided to connect the lower end of the vertical member to the top edge of the

eyeglass frames. Chang et al discloses an ocular mounting assembly which has a slide rail centrally attached to eyeglass frames at a point proximate to where the clamp assembly connects the lower end of the vertical member to the top edge of the eyeglass frames. A mounting pad is received by the slide rail which may be vertically adjusted and locked into place once a desired orientation is achieved, and a clamp assembly is used to connect the mounting pad to the ocular mounting assembly.

Leonardi relates to a pair of sports eyeglasses having a substantially hard, rigid frame, a pair of soft, resilient strap connector pads, and a headband assembly coupled to the rigid frame by the soft resilient strap connector pads. The headband assembly includes a first elastic strap extending between the soft, resilient connector pads, a second strap coupled at its ends to the first strap and extending over the top of the user's head, and a third strap extending between the first and second straps along a rear portion of the wearer's head.

Neither Chang et al or Leonardi disclose or suggest as per claim 7 side bands in conjunction with the expansion loop over the top of the head to allow the wearer to easily manually adjust. Further, the cited prior art discloses or suggests the structure recited in claims 8 and 9.

09/388,069

Attorney Docket No. 353-100

The Notice of Allowance is requested.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "J. E. Mueth", written over a horizontal line.

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